

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-11578PBS

FIREMAN'S FUND INSURANCE)
COMPANY)
As Subrogee of Hodan Properties, Inc.)
777 Marin Drive)
Novado, California 94998)
Plaintiff,)
vs.)

FIRE SYSTEMS, INC.)
955 Reed Road)
North Dartmouth, MA 02747)

and)

FIRE SUPPRESSION SYSTEMS OF)
NEW ENGLAND, INC.)
70 Bacon Street)
Pawtucket, RI 02860)

and)

PRO CON, INC.)
1359 Hooksett Road)
Hooksett, NH 03106)

and)

BRIERE & PAQUETTE, INC. f/k/a)
PAQUETTE ELECTRIC CO, INC.)
63 Alden Street, P.O. Box 4160)
Fall River, MA 02723)
Defendants)

**MOTION BY DEFENDANT FIRE SUPPRESSION SYSTEMS OF NEW
ENGLAND, INC. TO AMEND ANSWER TO COMPLAINT TO
ASSERT CROSS CLAIM AGAINST FIRE SYSTEMS, INC.**

Defendant , Fire Suppression System of New England, Inc. (hereinafter "FSS")
moves to amend its answer to include a cross claim against Fire Systems, Inc.

(hereinafter "FSI"). This Motion is filed within eight weeks of the answer filed by FSS and in the same week during which the answer from the last named defendant was served on all parties. No discovery has commenced and the cross claim will not prejudice any party nor cause any undue delay. F.R.C.P. provides that motions to amend should be allowed where justice requires and case law supports allowance absent undue delay or prejudice. The amendment consists of a cross claim for defense and indemnification by FSS, the installer of the fire suppression system at issue, against FSI, the company servicing the fire suppression system just prior to the water loss alleged by the plaintiff. The Amended Answer with Cross Claim Against Fire Systems, Inc. is attached.

For all of the reasons set forth above, FSS request that this court allow the proposed amendment.

The answering defendant,
Fire Suppression Systems of
New England, Inc.
By its attorneys,

/s/ Jocelyn M. Sedney
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Date: October 5, 2004